

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEROY COOK, SR.,	§
	§
Defendant Below,	§ No. 25, 2018
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 0608025757 (N)
	§
Plaintiff Below,	§
Appellee.	§

Submitted: March 2, 2018

Decided: March 27, 2018

Before **STRINE**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

**ORDER**

This 27<sup>th</sup> day of March 2018, after consideration of the appellant’s opening brief, the appellee’s motion to affirm,<sup>1</sup> and the record below, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s well-reasoned order dated December 19, 2017. The appellant’s motion for correction of a sentence imposed in an illegal manner was a reformulation of previous, unsuccessful attacks on his indictment. The Superior Court did not err in finding

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<sup>1</sup> On March 12, 2018, the appellant filed a motion for leave to respond to the motion to affirm. Under Supreme Court Rule 25(a), a response to a motion to affirm is not permitted unless requested by the Court. The Court did not request a response to the motion to affirm and finds no reason to request a response after considering the appellant’s motion.

that the appellant challenged his underlying conviction, not his sentence as required by Superior Court Criminal Rule 35(a), and that he was not entitled to the relief he sought.

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura  
Justice